



January 30, 2001

SENATE BILL No. 347

DIGEST OF SB 347 (Updated January 23, 2001 3:40 pm - DI kc)

Citations Affected: IC 23-14.

Synopsis: Allows an owner of a cemetery to reclaim the property to a burial space and resell the burial space under certain circumstances. Establishes notice requirements that must be met before an owner of a cemetery may resell a burial space. Requires the owner of a cemetery who has resold a burial space to convey to an individual who shows prior proof of ownership of the burial space an available burial space that is of equal or similar value to the burial space that was resold by the owner of the cemetery.

Effective: July 1, 2001.

Craycraft

January 16, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

January 29, 2001, amended; reassigned to Committee on Commerce and Consumer Affairs.

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SB 347—LS 8061/DI 13+



January 30, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 347

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 23-14-46-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7.5. (a) As used in this section, notwithstanding IC 23-14-33-25, "burial space" means a unit that:**

- (1) is located in a cemetery;**
- (2) consists of one (1) or more:**
 - (A) grave spaces;**
 - (B) crypts in a mausoleum or garden crypt; or**
 - (C) niches in a columbarium or garden crypt;**
- (3) was conveyed by the cemetery owner to a burial space owner; and**
- (4) has not yet been used for the interment, entombment, or inurnment of human remains.**

The term includes a burial space that has been transferred by the original burial space owner to a successor owner, irrespective of whether the cemetery owner has knowledge of the transfer or of the identity of the successor owner.

(b) As used in this section, "burial space owner" has the

SB 347—LS 8061/DI 13+



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1 meaning set forth in IC 23-14-33-26.

2 (c) As used in this section, "cemetery owner" has the meaning
3 set forth in IC 23-14-33-8.

4 (d) Notwithstanding any other provision of this article, a
5 cemetery owner may reclaim the property rights to a burial space
6 and resell the burial space if the following conditions are met:

7 (1) The burial space was purchased by a burial space owner
8 from the cemetery owner or the cemetery owner's
9 predecessor at least forty-five (45) years before the cemetery
10 owner seeks to reclaim the property under this section.

11 (2) The cemetery owner:

12 (A) has made a good faith effort to locate and contact the
13 last known owner of the burial space; but

14 (B) has not been able to locate the last known owner of the
15 burial space.

16 (3) The cemetery owner has published a written notice that
17 included the following:

18 (A) A description of the burial space, including its location,
19 and the name of the last known owner of the burial space.

20 (B) A statement that the burial space has been abandoned
21 and that the cemetery owner has not been able to locate the
22 last known owner of the burial space.

23 (C) A statement that the burial space will be sold unless a
24 legitimate claim is made to the cemetery owner less than
25 thirty-one (31) days after the publication of the notice.

26 (D) The name of the cemetery owner and the address and
27 telephone number through which a purported owner of the
28 burial space could contact the cemetery owner to make a
29 claim to the burial space.

30 (4) A legitimate claim to the burial space was not made by:

31 (A) a known burial space owner;

32 (B) a person to whom a burial space owner transferred the
33 burial space; or

34 (C) a subsequent transferee of the burial space;

35 less than thirty-one (31) days after the publication of the
36 notice.

37 (e) A written notice required by subsection (d) must be
38 published at least one (1) time in two (2) newspapers of general
39 circulation published in the county in which the burial space is
40 located. However, if only one (1) newspaper of general circulation
41 is published in the county, the cemetery owner is required to
42 publish the notice only in that newspaper.



1 (f) The cemetery owner may not resell a burial space under this
2 section until more than thirty (30) days after the written notice is
3 published under subsection (d). If a legitimate claim to the burial
4 space is communicated to the cemetery owner less than thirty-one
5 (31) days after the written notice is published under subsection (d),
6 the cemetery owner may not resell the burial space under this
7 section.

8 (g) The cemetery owner is responsible for the cost incurred in
9 publishing a notice under subsection (d).

10 (h) Subject to subsection (i), the resale of a burial space by a
11 cemetery owner under this section extinguishes the burial space
12 owner's rights to the burial space, whether those rights are held by
13 the original burial space owner or by a transferee.

14 (i) If, after a cemetery owner has resold a burial space under
15 this section, an individual provides the cemetery owner with proof
16 that the individual held the burial space owner's rights to the
17 burial space immediately before the resale, the cemetery owner
18 shall convey to the individual, at no further cost, an available
19 burial space that is of value equal or similar to the value of the
20 burial space that was resold by the cemetery owner.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Commerce and Consumer Affairs.

(Reference is to SB 347 as introduced.)

GARTON, Chairperson

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